

Chapter 25

AIRPORTS ZONING

A zoning ordinance to control development around the Kanab Municipal Airport.

Adopted January 22, 2008

CITY OF KANAB

Uniform Zoning Ordinance

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Section 25-1 Short Title

This Ordinance shall be known and may be cited as the City of Kanab Airports Zoning Ordinance.

Section 25-2 Definitions

Airport - Kanab Municipal Airport

Airport Elevation - The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 4,867 feet MSL as of the date of this ordinance.

Approach Surface - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal, and Conical Zones - These zones are set forth in Section III of this Ordinance.

Appeals Officer - appointed by the Kanab City Council.

Conical Surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard to Air Navigation - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

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Heliport Primary Surface - The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Horizontal Surface - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger than Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use - Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Nonprecision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a nonprecision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 24-4 of this Ordinance.

Person - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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Structure - An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional Surfaces - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree - Any object of natural growth.

Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

Section 25-3 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the Kanab Municipal Airport. Such zones are shown on the Kanab Airport Part '77' Airspace Drawing consisting of 1 sheet, (see Exhibit H) prepared by Creamer & Noble Engineers, and dated March, 2004 which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Runway Precision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach surface expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. The centerline of the approach zone is the continuation of the centerline of the runway.
2. **Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

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3. **Runway Larger Than Utility With A Visibility Minimum as Low as $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

4. **Visual Runway Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the approach zone is a continuation of the centerline of the runway. This is the existing condition as of the date of this ordinance.

5. **Transitional Zones** - The transitional zones are the areas beneath the transitional surfaces.

6. **Horizontal Zones** - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

7. **Conical Zone** - The conical zone is established as the area that commences at the periphery of the horizontal zone and extend outward there from a horizontal distance of 4,000 feet.

Section 25-4 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in the question as follows:

1. **Precision Instrument Runway Approach Zone** - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline..

2. **Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone** - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a

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horizontal distance of 10,000 feet along the extended runway centerline.

3. **Runway Larger Than Utility With A Visibility Minimum as Low as $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone** - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

4. **Visual Runway Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

5. **Transitional Zones** - The transitional zones are the areas beneath the transitional surfaces. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

6. **Horizontal Zone** - Established at 150 feet above the airport elevation or at a height of 5,017 feet (existing conditions) above mean sea level (MSL).

7. **Conical Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (5,017 ft. MSL) and extending to a height of 350 (5,217 ft. MSL) feet above the airport elevation.

Section 25-5 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

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Section 25-6 Nonconforming Uses

1. **Regulations Not Retroactive** - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

2. **Marking and Lighting** - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Kanab to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Kanab Municipal Airport.

Section 25-7 Permits

1. **Future Uses** - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with subsection 25-7-4.

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

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c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

2. **Existing Uses** - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. **Nonconforming Uses Abandoned or Destroyed** - Whenever the City of Kanab determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. **Variances** - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Appeals Officer for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.

Additionally, no application for variance to the requirements of this Ordinance may be considered by the Appeals Officer unless a copy of the application has been furnished to the City of Kanab for advice as to the aeronautical effects of the variance. If the City does not respond to the application within fifteen (15) days after receipt, the Appeals Officer may act on its own to grant or deny said application.

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5. **Obstruction Marking and Lighting** - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may be modified to require the owner to permit the City of Kanab at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 25-8 Enforcement

It shall be the duty of the City of Kanab to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City upon a form published for that purpose. Applications required by this Ordinance to be submitted to the City shall be promptly considered and granted or denied. Application for action by the Appeals Officer shall be forthwith transmitted by the City of Kanab.

Section 25-9 Judicial Review

Any person aggrieved, or any taxpayer affected, by any decision of the Appeals Officer, may appeal to the District Court as provided in Section 3-9, of Chapter 3, of the Uniform Zoning Ordinance of Kanab City.

Section 25-10 Penalties

Each violation of this Ordinance or of any regulations, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than (\$750.00) dollars or imprisonment for not more than (90) days or both; and each day a violation continues to exist shall constitute a separate offense.

Section 25-11 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.